

UNITED STATES OF AMERICA)
Petitioner,)
v.) Case No: 3:12-cv-0053
Oscar: Mason,)
Respondent.)

2012 AUG 20 PM 2: 59

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

MOTION FOR STAY OF EXECUTION OF ORDER PENDING APPEAL
FOR JUDICIAL REVIEW

I

Respondent hereby moves the court for a stay of execution of the order of this case entered on August 6, AD 2012 pending the filed and paid appeal of this case.

The order of this case is subject to appeal as is well settled.

The execution of the order and its harm to respondents rights is that which is appealed. This includes the stated use for criminal purposes

The order's execution appealed will be implemented before the appeal review of it is completed, resulting in an appeal of no effect and consequently loss of appeal rights. United States et. al. v. Jose, Trustee of Jose Business Trust et.al. 519 U.S. 54 U.S. Sup Ct. 1996); Reismon v. Coplin, 375 U.S. 440,449 (1984).

Respondent meets all requirements for a stay:

Likelihood of appeal successes are: The well settled 5th Amendment violations against self incrimination. Harm to respondent due to evidenced illness. The 5th Amendment violations of due process of law to include ignoring respondent's appearance defense. The the state of Tennessee law of durable power of attorney. Bad faith false allegations of existence of testimony knowledge, documents and their possession and control. The impossibility of the order appealed; or, its prior compliance.

Irreparable injury: Respondent's potential injury due to health.

The violation of the 5th Amendment right against self incrimination is irreparable. Stays based on such 5th Amendment right are granted, United States v. Troescher, 99 F.3d 933 (9th Circuit, 1996)

The chilling of the 5th Amendment right prior to its final judicial review determination by having to forfeit it by any other defense claim having to be made prematurely - such as the nonexistence, and lack of possession and control of testimony, books, records, papers and data to chill such right.

the irreparable potential loss of respondent's life, liberty and property by pecuniary punishment. It is irreparable for respondent to lose any possible lawful means to avoid losing his life and liberty and property thru pecuniary punishment of the order..

Respondent's risk of loss of liberty and life by pecuniary punishment is irreparable.

Party or public interest: Neither the petitioner or the public has ANY interest in violating the 5th Amendment for ANY reason; or harming respondent's health. To ensure the preservance and upholding of the 5th Amendment is a requirement of taxes.

Fed. Rule of Civil Proc. 62 does not grant exceptions for taxes. An enforcement of summons is not an injunction. Neither petitioner or the public have any interest otherwise.

II

Respondent moves the court for a stay of execution of the said order pending a motion and determination for stay pending appeal in the judicial review appeals court per Fed. rules of App. Proc. upon any denial of the above stay in this court.

Respectfully,



Oscar: Mason

mailing location:

C/O Charles: Maxwell

c/o general delivery

Nashville township

the state of Tennessee (po# 37202)

Certificate of Service

I hereby certify that a true copy of the foregoing has been hand delivered, or placed with the United States Postal Service, postage prepaid, for mailing, to the following on this the 20th day of August, AD 2012: JERRY E. MARTIN, STEVE JORDAN, Matthew M. Curley, suite 961, 110 9th Avenue South, Nashville, Tennessee 37203-3870



Oscar: Mason